



DOCKET NO: 210371US-2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKASHI KITAGUCHI, ET AL. : EXAMINER: VIEAUX, G.
SERIAL NO: 09/893,784 :
FILED: JUNE 29, 2001 : GROUP ART UNIT: 2612
FOR: IMAGE INPUT APPARATUS AND :
IMAGE INPUT METHOD

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PROVISONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the communication dated September 21, 2004, and further in response to the Election of Species Requirement contained therein, Applicant herein provisionally elects the species noted in the requirement to be "Sixth species: figures 17-18" and list Claims 23-26 as being readable thereon.

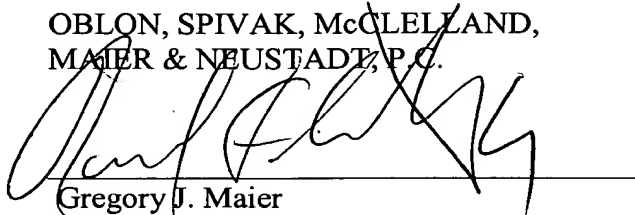
In addition, Applicant respectfully traverses the Election of Species Requirement as it fails to set forth a serious burden in terms of searching and examining all of Claims 1-35 together. Note MPEP §803 which states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. [Emphasis added.]

Accordingly, it is urged that this Election of Species Requirement should be withdrawn and that an Action on the merits as to all of Claims 1-35 should be forthcoming.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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